

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 3, 2003**

The Tippecanoe County Commissioners met on Monday, February 3, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance. She then asked all to observe a moment of silence for the seven astronauts who were lost in the Columbia Shuttle disaster.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the minutes of the January 22, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

Commissioners' Assistant Jennifer Weston recommended approval but noted there are two incorrect account numbers on the Accounts Payable Vouchers. The names, vendor numbers and amounts are correct.

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers, seconded by Commissioner Shedd; motion carried.

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Mr. Habben reported:

- Interior renovations to the Old Booking Area and connecting corridor should be completed in approximately two weeks.
- The retrofit of the security system in the existing jail should be completed in approximately two weeks.
- The new HVAC systems are being tested and they hope to have them on line this week.
- Work continues on finishes such as painting and wall coverings.
- March 3, 2003 is the scheduled completion date. They hope to move inmates in by late March.
- If funding is available, the Building Corporation will consider making the temporary drive to the rear of the building permanent at their March 3, 2003 meeting. It is currently used by construction workers.

ORDINANCE 2003-01-CM: MIDA Development Group, LLC (Continued from 1/6/2003 and 1/22,2003)

Representing the petitioner, Attorney Joe Bumbleburg asked for another two weeks' extension.

- Commissioner Shedd moved to continue the hearing on Ordinance 2003-01-CM until 10:00 A.M., Wednesday, February 19, 2003, seconded by Commissioner Knochel; motion carried.

ORDINANCE 2003-08-CM: Z-2106, Juan Alvarez A to R3

- Commissioner Shedd moved to hear and approve Ordinance 2003-08-CM, seconded by Commissioner Knochel.

(quote)

January 22, 2003

Ref. No.: 03-027

Tippecanoe County Commissioners

20 North Third Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2106-JUAN ALVAREZ (A TO R3):** Petitioner is requesting rezoning of a 1.78 acre parcel for a proposed childcare center located on the north side of CR 700 S east of CR 350 E, Wea 26 (SE) 22-4.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 21, 2003, the Area Plan Commission of Tippecanoe County voted 0 yes - 12 no on the motion to rezone the subject real estate from A TO R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their February 3, 2003 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2003-08-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM A TO R3.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA:

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in WEA Township, Tippecanoe County, Indiana, to wit:

Being a part of the Southeast Quarter of Section 26, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, and described as follows: Beginning at a point on the South line of the above said Section, said point being North 90 degrees 00 minutes 00 seconds West 1678.59 feet from the Southeast corner of said Section; thence North 00 degrees 00 minutes 00 seconds East 290.40 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds West 300.00 feet to an iron pin; thence South 00 degrees 00 minutes 00 seconds East 290.40 feet to the said South line of Section 26; thence North 90 degrees 00 minutes 00 seconds east 300.00 feet, more or less to the point of beginning.

EXCEPT the following tract which has been deeded to the Board of Commissioners of Tippecanoe County for the use as a public right-of-way: Beginning at a point on the South line of the above said Section, said point being North 90 degrees 00 minutes 00 seconds West 1678.59 feet from the Southeast corner of said Section; thence North 00 degrees 00 minutes 00 seconds East 32.5 feet; thence North 90 degrees 00 minutes 00 seconds West 300.00 feet; thence South 00 degrees 00 minutes 00 second East 32.5 feet to the said South line of Section 26; thence North 90 degrees 00 minutes 00 seconds East 300.00 feet, more or less to the point of beginning, containing 1.78 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from A to R3.

Section 3. This ordinance shall be in full force and effect from and after its Passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this _____ day of __, 20__.

Vote:

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

No one appeared to represent the petitioner. Commissioner Shedd commented that if the petitioner were interested, she thought he would appear.

Area Plan Assistant Director Sallie Fahey commented that Mr. Alvarez asked for a letter from Area Plan stating that he would not need additional zoning for childcare if he could meet the home requirement of ten (10) children or less. He will not be allowed to convert a barn to house the childcare but can use it as a play area. She said she thinks that is the reason he is not present today.

Commissioner Knochel clarified that the rezone request the Commissioners are hearing today is for a childcare facility located in a converted barn.

With no further questions or comments, Auditor Plantenga recorded the vote:

KD Benson No
Ruth Shedd No
John Knochel No

- The motion to approve Ordinance 2003-08-CM failed 3 – 0.

ORDINANCE 2003-06-CM: USO Amendment #3 re: Fees

ORDINANCE 2003-07-CM: UZO Amendment #34, re: Roadside Stands

- Commissioner Shedd moved to hear and approve Ordinance 2003-06-CM and Ordinance 2003-07-CM, seconded by Commissioner Knochel.

(quote)

January 22, 2003
Ref. No.03-037

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: USO AMENDMENT #3
Regarding deletion of any mention of fees in the Unified
Subdivision Ordinance.

Dear Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 21, 2003, the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2003-06-CM

**AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 79-31**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBDIVISION ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1. Change **subpart (e)** of **part (1)**, APPLICATION REQUIREMENTS, of **subsection 3.2**, MAJOR AND MINOR SUBDIVISIONS: SKETCH PLAN APPLICATION REQUIREMENTS, of **Section 3**, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, from:

- (e) Be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) per lot in excess of four (4) lots.

to read:

- (e) Be accompanied by a fee specified in the *Bylaws of the Tippecanoe County Area Plan Commission*.

Section 2. Change **paragraph (i)** under **subpart (a)**, SUBMISSION REQUIREMENTS, of **part (4)**, PRELIMINARY SUBDIVISION PLAT PROCEDURE, of **subsection 3.3**, MAJOR SUBDIVISIONS, of **Section 3**, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, from:

- (i) Be made on forms available at the office of the Commission, and be submitted with fee of five dollars (\$5.00) per lot for each lot which was not included in the sketch plan

to read:

- (i) Be made on forms available at the office of the Commission, and be submitted with a fee specified in the *Bylaws of the Tippecanoe County Area Plan Commission*.

Section 3. Change **subpart (d)** of **part (4)**, SKETCH PLAN APPLICATION REQUIREMENTS, of **subsection 3.6**, RURAL ESTATE SUBDIVISIONS, of **Section 3**, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, from:

- (d) be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) per lot in excess of four lots;

to read:

- (d) be accompanied by a fee specified in the *Bylaws of the Tippecanoe County Area Plan Commission*;

Section 1. Delete subpart **(e)** of **part (1)** Application Requirements, of Subsection **3.2**, MAJOR AND MINOR SUBDIVISIONS: SKETCH PLAN APPLICATION REQUIREMENTS of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES.

Section 2. Change subpart (a) Submission Requirements of part (4) Preliminary Subdivision Plat Procedure, of Subsection 3.2, MAJOR AND MINOR SUBDIVISION: SKETCH PLAN APPLICATION REQUIREMENTS OF **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

- (i) Be made on forms available at the office of the Commission.

Section 3. Delete subpart (d) of part (4) Sketch Plan Application Requirements, of Subsection 3.6 RURAL ESTATE SUBDIVISIONS, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES.

This ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 20__.

VOTE

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor

January 22, 2003

Ref. No.03-036

Tippecanoe County Commissioners
20 North 3rd Street Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: UZO AMENDMENT #34
Regarding roadside stands.

Dear Commissioners.-

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 21, 2003, the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2003-07-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change subsections **4-1-b-17** and **4-1-b-21** of **4-1**, ACCESSORY USES, ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (17) seasonal roadside stands selling produce grown only on the premises (*residential zones*), and seasonal roadside stands selling produce (*commercial* and *rural zones*) (none);
- (21) *rural home occupations* and related outside storage other than *uses* in 4-1-b-17 above (standard);

Section 2: Change subsection **4-1-c-10** of, and add subsection **4-1-c-24** to **4-1**, ACCESSORY USES, ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (10) seasonal *farm* roadside stands selling produce (none);
- (24) *rural home occupations* and related outside storage other than *uses* in 4-1-c-10 above (standard).

Section 3: Change subsections **5-5-5-d** and **5-5-5-g** of **5-5-5**, RURAL HOME OCCUPATION USE REQUIREMENTS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS, to read:

- (d) There can be no activity related to the *rural home occupation*, other than storage, outside any *primary use* or *accessory use building*, except for seasonal *farm* roadside stands selling produce.
- (g) No stock in trade shall be displayed, stored, or sold except for:
 - (1) articles grown or crafted on the premises (Amend 5), and
 - (2) crops classified in SIC group 01 produced off the premises.
 Such a *rural home occupation* is not classified as a retail or wholesale establishment.

Section 4: This ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 20__.

VOTE:

KD Benson, President

ATTEST: Ruth Shedd, Vice President

Robert A. Plantenga, Auditor John Knochel, Member

(unquote)

Area Plan Assistant Director Sallie Fahey explained that USO Amendment #3 removes all reference to filing fees from the Unified Subdivision Ordinance and indicates all fees are specified in the by-laws.

UZO Amendment #34 allows seasonal roadside farm stands in ag zoning districts to sell products other than those raised on the property. Roadside stands located in a residential district may only sell products raised on the property.

With no further questions or comments, Auditor Plantenga recorded the votes:

Ordinance 2003-06-CM

Ruth Shedd Yes

John Knochel Yes
KD Benson Yes

- The motion to approve Ordinance 2003-06-CM passed 3 – 0.

Ordinance 2003-07-CM

John Knochel Yes
KD Benson Yes
Ruth Shedd Yes

- The motion to approve Ordinance 2003-07-CM passed 3 – 0.

PUBLIC HEARING: Ordinance 2003-05-CM: Vacate a Portion of a Public Way: Old Eisenhower Road

(quote)

ORDINANCE NO. 2003-05-CM

A ORDINANCE TO VACATE A PORTION OF
THE PUBLIC WAY IN
THE COUNTY OF TIPPECANOE, INDIANA

Be it Ordained by the
Board of County Commissioners
of the County of Tippecanoe, Indiana:

Section 1. That the public way along and across the following described real estate is hereby vacated:

A part of the Old Eisenhower Road being a part of the West Half of the Southeast Quarter of Section 14, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana, described as follows: Commencing at an iron pipe marking the northeast corner of the West Half of the Southeast Quarter of said Section 14; thence South 89°00'03" West (bearings are based on the deed for Frances M. Sondgerath as recorded in Document Number 00016264 on 7/31/00 in the Tippecanoe County Recorder's Office) 19.97 feet to an iron pipe found in the center of said Eisenhower Road; thence South 45°08'51" West 127.69 feet along said center line to an existing road nail and the point of beginning of this description; thence South 44° 53'47" East 20.00 feet to the existing right-of-way line for said road; thence South 45°06'13" West 270.18 feet along said right-of-way line; thence South 15°55'30" West 212.01 feet along said right-of-way line to the recorded right-of-way line for Interstate Highway 65; thence North 07°47'00" West 149.36 feet along said interstate highway right-of-way line to a 2-inch diameter steel fence pull post on said interstate right-of-way line; thence North 29°55'16" East 92.61 feet along the occupation line for utilities; thence North 45°06'13" East 255.48 feet to the north line of a tract of land owned by Jack Wilhelm as recorded in Document Number 00021196 on 09/28/2000 in said recorder's office; thence North 89°40'45" East 28.50 feet along said north line to the point of beginning and containing 0.435 of an acre.

Section 2. That a plot of said vacation is attached hereto.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Finally passed and adopted by the Board of County Commissioners of Tippecanoe County, Indiana upon this ____ day of _____, 2003.

Vote

YesNo_____
KD Benson, President_____
Ruth E. Shedd, Vice President_____
John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Representing the petitioner Jack Wilhelm, Attorney Matt McQueen requested the vacation of a portion of Old Eisenhower Road that dead ends into I-65 and is on the edge of Mr. Wilhelm's property. He said Dennis Sondgerath, Co-Trustee for the Frances M Sondgerath property across the road, filed a written consent and is present today.

Letters of Remonstrance to the Commissioners from neighboring property owners William M. Hazelbaker/Trustee of Hartzel H. Hazelbaker Credit Shelter Trust and Charles Hockema were submitted for the record:

(quote)

TO- K D Benson
Board of County Commissioners
Tippecanoe County, Indiana
County office building
20 North 3rd Street
Lafayette, Indiana 47901

Copies. Ruth Shedd / John Knochel
Date: 1-20-03

Regarding the petition by Jack Wilhelm for the County Commissioners to vacate a portion of the public way described as a part of Old Eisenhower Road. (Exhibit A. Legal Description),

It is my understanding that Mr. Wilhelm is renting a portion of the property described in the Auditors office, book number 102-00200 section 051. This property has two very large buildings that were used in the past as a business enterprise by Russell Miller Construction Co. This property never was zoned for business purposes. It was then and still is currently zoned for residential use only. Mr. Wilhelm has purchased the property (section 033) adjacent to the area he now rents. The two properties are separated by the public way proposed to be vacated. The vacating of the public way as described will allow the properties (sections 033 and 051 to be joined and no longer separated by the roadway.

The petition also refers to "the occupation line for utilities". I have the following concerns regarding this petition:

1. Does the petition to vacate have any effect on future city utility access for the properties that lie on the borders (sic) of the site, or directly on the borders (sic) of Eisenhower Drive from its access point beginning at Eisenhower Road to the proposed area to be vacated? It appears that the most cost effective and natural avenue for future city utilities to the adjacent or bordering properties would be to use the access as is now available through the currently established public way described to be vacated.
2. What is the intended use of the properties described as section 033 and 051 after the public way is vacated?
3. Will the past business activities that were allowed for the Miller Construction Co. effect (sic) the decision of how the property (033 and 051) will be used or zoned in the future?
4. Has there been any request to re-zone the property (051 and 033) for business purposes?

5. Does the current use (or intended future use) of the property (051) by Jack Wilhelm violate the intent of the current zoning ordinance?

I object to the proposal to vacate the section of Public Way as described if:

- A. The proposal to vacate the public way described, infringes upon the rights or access for future city utilities in any way including additional costs due to re-routing of those utilities to gain access to any property desiring those utilities, or,
- B. If the intent is to use the property that will be joined by the vacating of the public way for any purpose that will compromise or violate the intent of the zoning ordinance as now constituted, or,
- C. If the vacating will aid in any future attempt to re-zone the property described for purposes other than now allowed by the zoning ordinance as currently constituted, or,
- D. If the vacating will in any way change or compromise access to any of the properties on Eisenhower Drive from Eisenhower Road to the beginning of the section to be vacated-

Very truly yours,

/s/William M. Hazelbaker/Trustee of
Hartzel H. Hazelbaker Credit Shelter Trust

Exhibit A

A part of the Old Eisenhower Road being a part of the West Half of the Southeast Quarter of Section 14, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana, described as follows: Commencing at an iron pipe marking the northeast corner of the West Half of the Southeast Quarter of said Section 14; thence South 89°00'03" West (bearings are based on the deed for Frances M. Sondgerath as recorded in Document Number 00016264 on 7/31/00 in the Tippecanoe County Recorder's Office) 19.97 feet to an iron pipe found in the center of said Eisenhower Road; thence South 45°08'51 " West 127.69 feet along said center line to an existing road nail and the point of beginning of this description; thence South 44°53'47" East 20.00 feet to the existing right-of-way line for said road; thence South 45°06'13" West 270.18 feet along said right-of-way line; thence South 15°55'30" West 212.01 feet along said right-of-way line to the recorded right-of-way line for Interstate Highway 65; thence North 07°47'00" West 149.36 feet along said interstate highway right-of-way line to a 2-inch diameter steel fence pull post on said interstate right-of-way line; thence North 29°55'16" East 92.61 feet along the occupation line for utilities; thence North 45°06'13" East 255.48 feet to the north line of a tract of land owned by Jack Wilhelm as recorded in Document Number 00021196 on 09/28/2000 in said recorder's office; thence North 89°40'45" East 28.50 feet along said north line to the point of beginning and containing 0.435 of an acre.

TO: K D Benson

Board of County Commissioners,
Tippecanoe County, Indiana

FROM: Charles and Janet Hockema
1611 Eisenhower Drive John Knochel
Lafayette, Indiana 47905

Copies: Ruth Shedd

DATE: 1-09-03

I have become aware of a petition by Jack Wilhelm for the County Commissioners to vacate a portion of the public way described as a part of the Old Eisenhower Road. My property is located at 1611 Eisenhower Drive. Charles and Janet Hockema. It appears from the legal description of this petition, the action to vacate the section of road described, may have an adverse effect on our property boundaries, access to our property, and future access to public utilities for our property.

I have not received a letter of notice of the petition. As my property borders the proposed road to be vacated, I feel I should have access to all information pertaining to the petition for vacating the road as proposed, and any information concerning the use of the property after the proposed section of road becomes vacated. My property is identified in the Auditors Office, book number 102-00200, section 022. Mr. Jack Wilhelm recently purchased the property (section 033) on the south border of my property. Mr. Wilhelm is now renting a portion of section 051. I am concerned about the possible motives for the use of the property once the road is vacated and the properties 051 and 033 are joined by the removal of the public way (Eisenhower Drive) that separates them. Before Mr. Jack Wilhelm rented the section of land known as section 051, the buildings and property had been

used as a business site by Miller Construction Co. The business office was located in one of the two large buildings on the site and business was conducted daily from that property. This was addressed by myself to the Building Commissioners office several years ago but no action was taken to discontinue the violation of the zoning ordinance. The business was allowed to continue. The zoning of the area was never changed from residential to business. With this new interest and petition regarding this same property, I am concerned that the area will again become a business enterprise that will again compromise the zoning ordinance for residential use only. At this point, Mr. Wilhelm is using the buildings for certain work activities and storage of materials. The grounds of the area is also used for large piles of lumber that is stored for future use. Trucks from 84 Lumber Co. have delivered large quantities of wood. As many as 4 recreational vehicles (RV's) have been parked on the property at one time. It appears that persons are employed to come to the area to recondition the RV's for re-sale, and other possible employee /employer relationships. I feel these activities violate the intent of the residential zoning ordinance for this area. I sent a letter to Mr. Albert L. Levy in early October of 2002 identifying some concerns regarding the use of the property (section 05 1) and possible violations of the current zoning. Some improvement has been made. Four abandoned vehicles on the property have been removed. In general the area is more tidy and organized than before, however, it still does not appear to be compliant with the intent of the zoning ordinance. The zoning for this area should remain as residential and not allow another business enterprise to violate the intent of the ordinance.

Thank you for your attention to this matter. /s/Charles Hockema

(unquote)

SPEAKERS

Charles R. Hockema, 1611 Eisenhower Dr., Laf.

Richard Hatke, 1520 Eisenhower Rd., Laf.

Dennis Sondgerath, 4492 W 200 S, Fowler (Co- Trustee of Frances M. Sondgerath Estate, 3550 Eisenhower Rd.)

Charles Hockema asked for a response to the following:

- Q: Will the vacation of the public way as proposed affect my property boundaries (Sec 022)?
 A: Mr. McQueen: The vacation will end at Mr. Wilhelm's property and will not affect Mr. Hockema.
- Q: Will it change or affect access to my property (Sec 022)?
 A: Mr. McQueen: No.
- Q: What effect could the vacation proposed have on Utility access (water-sewage-gas) for my home or adjacent properties in the future?
 A: Mr. McQueen: Any public utility presently there will continue to have access unless they vacate their rights to use the property. Any future utility will have to deal with Mr. Wilhelm.
 A: Attorney Luhman: The City would have to acquire an easement for utilities. If the City is not able to acquire by a negotiated acquisition, it has the power to acquire by eminent domain. Attorney Luhman said he doesn't have information regarding existing utility easements but there has been no consent from utilities to vacate any easement.
- Q: I did not receive a letter of notice of the petition for vacating the public way when my neighbors did. Why?
 A: Mr. McQueen: The letter was sent to the address in the County Auditor's Office as required. When they found out Mr. Hockema's real mailing address, a letter was sent well before the ten (10) days as required by Statute.
- Q: The history of the property identified as section 051 (zoned R-1 residential) shows that Miller Construction Co was allowed to establish and continue a business on the property. Will the past activities of the Miller Construction Co. effect (sic) any future use or zoning of the properties identified as 051, 033 or the area proposed to be vacated?
 A: Attorney Luhman: The Commissioners are not being asked today to act on the zoning of the property.
 A: Sallie Fahey: Any prior business on the property did not establish any non-conforming right. It is not

grandfathered. Any business on the property without proper zoning would be illegal.

Q: Has there been any request to re-zone the properties identified for any purpose other than R-1 residential?

A: President Benson: Not as of today.

Q: The current activities on the property cause concern for it's intended future use. (outside storage of large stacks of limber and occasional deliveries of additional stacks of lumber by 84 lumber Co. The past storage of large recreational vehicles being refurbished for sale (4 at one time, presently only one) appear to violate the R-1 zoning or the intent of the R-1 residential zoning.

A: President Benson: Discuss this with Zoning Enforcement Office Al Levy.

Q: What is the intended use of the public way, if vacated, and the property described as sections 051 and 033?

A: Attorney Luhman: Use is not an issue today, Vacation is.

Q: Whose responsibility is it to enforce and continue to maintain the purpose and intent of the zoning as now constituted?

A: Zoning Enforcement Officer Al Levy: It is his responsibility.

Q: If the petition to vacate the public way is granted, a "cul-de-sac" or "hammer lead" turn around must be provided. If the public way is closed off the only place for vehicle turn around will be the driveway over my bridge into my property. Large heavy vehicles like snow plows, road repair trucks, trash and re-cycle trucks could damage the driveway bridge. Other vehicles like mail delivery and curious drivers will also need a turn around. (see Local Government article 36-7-3-13 Vacation proceedings; Sec 13 item 4)

A: Attorney Luhman: Turn-around space is a legitimate issue and the lack of it will negatively impact the public. Vacation of the road will change the ability to turn around.

A: County Highway Engineer Tim Wells: Personnel at the County Highway Garage informed him the County does not maintain past 1/5 of this roadway (Eisenhower). The portion of the road in the vacation request currently functions as a private way. He said he is not convinced the lack of a turn-around is a problem since the County does not maintain it.

A: Charles Hockema: The County plows past his property to the area of the vacation request.

A: Mr. McQueen: According to Mr. Wilhelm (in the audience), the County's snow plow trucks turn around on his property, not in the roadway.

A: Richard Hatke: If there is no turn-around area, the company that trims trees for the utility company every two years and the County's snow plow will have to back out.

A: Dennis Sondgerath: The property Mr. Wilhelm wants to purchase is a part of his mother's estate. When his mother purchased the property, they were under the impression that the road was vacated and half belonged to her and half to Mr. Wilhelm. Mr. Wilhelm wants to purchase the portion of her property with the buildings on it and the estate wants to sell it to him. He said neither he nor Mr. Wilhelm have shut the gate. He emphasized that this issue has to be decided before his mother's property can be sold.

Mr. Wells suggested continuing a decision until he can meet with the petitioner and affected parties to reach a resolution. Mrs. Fahey offered to search in the Area Plan Office for I-65 construction plans which may show this road and its right-of-way and provide to Mr. Wells.

Commissioner Knochel requested an overhead presentation of this road and affected properties for the next hearing date.

- Commissioner Shedd moved to table this request until 10:00 A.M., Wednesday, February 19, 2003, seconded by Commissioner Knochel; motion carried.

REQUESTS FOR PUBLIC HEARING: Vacations of a Public Way:

Charles & Shelly Hatke

On behalf of petitioners Charles and Shelly Hatke, Attorney John Gambs requested a date for a Public Hearing to request the vacation of an alley in the Village of Concord.

- Commissioner Shedd moved to set a Public Hearing for a request from Charles and Shelly Hatke to vacate an alley at 10:00 A.M., Monday, March 3, 2003, seconded by Commissioner Knochel; motion carried.

Bret & DeEtta Hawks

Commissioner Shedd moved to set a Public Hearing for a request from Bret and DeEtta Hawks to vacate an easement at 10:00 A.M., Monday, March 3, 2003, seconded by Commissioner Knochel; motion carried.

VISION 2020 INTERGOVERNMENTAL COMMISSION UPDATE: Mike Piggott

Mr. Piggott summarized their recommendations to the cities of Lafayette and West Lafayette and Tippecanoe County:

Police Departments

- The local police departments are working efficiently and cooperatively.
- Joint training facilities would be beneficial.
- There is a critical need to improve the firing range at Purdue University to prevent the potential of escaping rounds.
- The Drug Task Force is one of the best in the State but faces continual funding problems. Suggest looking for private funding support.

Parks Departments

- Lafayette's strength is facilities, West Lafayette's is programs, and the County's is a large quantity of green space for recreational use.
- Need a comprehensive document illustrating the services and facilities for the parks of Greater Lafayette.
- Need to create a map of the Trail's system.
- Create a document of existing and future plans along the Wabash River.

Human Relations Commission

- The Commissions of Lafayette, West Lafayette, and Tippecanoe County are working together.
- Not advocating a merger into one Commission.

ORDINANCE 2003-09-CM: County Medical Care for Inmates Fund

Attorney Luhman read the Ordinance:

(quote)

ORDINANCE NO. 2003-09-CM
AMENDING ORDINANCE NO. 95-01-CM
TIPPECANOE COUNTY CODE
TIPPECANOE COUNTY MEDICAL CARE
FOR INMATES FUND

WHEREAS, the Board of Commissioners of Tippecanoe County adopted Ordinance No. 95-01-CM on January 16, 1995 establishing the Tippecanoe County Medical Care for Inmates Fund and requiring inmates to make a co-payment for the provision of certain medical services as more fully set forth therein; and

WHEREAS, the Board of Commissioners desires to amend the rate of said co-payment and the conditions under which it shall be required to be paid as more fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED that Ordinance No. 95-01-CM, Section 2(B) be and it is hereby amended to provide that the co-payment required to be made by persons confined to the Tippecanoe County Jail shall be in an amount of not more than \$15.00 for each provision of medical services as set forth therein.

BE IT FURTHER ORDAINED that Ordinance No. 95-01-CM, Section 2(C) (2) is amended to provide that such co-payment shall not be required if the person does not have funds in the person's commissary account or trust account within sixty (60) days after the service is provided.

BE IF FURTHER ORDAINED that in all other respects, Ordinance No. 95-01-CM shall remain in full force and effect.

This Ordinance shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this _____ day of _____, 2003, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
	_____ KD Benson, President
	_____ Ruth E. Shedd, Vice President
	_____ John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this _____ day of _____, 2003, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
	_____ KD Benson, President
	_____ Ruth E. Shedd, Vice President
	_____ John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor of
Tippecanoe County

(unquote)

Attorney Luhman explained this Ordinance increases the amount of co-payment for the provision of medical services from \$10 to \$15 and extends the window the inmate is required to pay from his Commissary Fund from within 30 days to within 60 days after the date of medical service. Co-payment is required for only those with the ability to pay. It is hoped this will prevent inmates from waiting 31 days before putting money into their Commissary Fund to avoid the co-payment.

- Commissioner Shedd moved to adopt Ordinance 2003-09-CM on first reading, seconded by Commissioner Knochel.

Commissioner Knochel requested a report from the Sheriff in 6 to 9 months to determine if this is working.

Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- Ordinance 2003-09-CM passed 3 – 0 on first reading.

Second reading will be held at a later meeting to give the public time for input.

AGREEMENT: SimplexGrinnell: Fire Alarm Maintenance

This Renewal Agreement is for Dry Sprinkler Testing in the County Parking Garage. in the amount of \$248 annually. This will extend the Agreement from March 1, 2003 through February 28, 2004.

- Commissioner Shedd moved to renew the Agreement with SimplexGrinnell for Dry Sprinkler Testing in the Parking Garage, seconded by Commissioner Knochel; motion carried.

REPORTS

Reports from Veterans Service (December & 2002), Zoning Enforcement Officer, and Parking Garage Quarterly Report are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

Robert A. Plantenga, Auditor

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor

